

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, January 30, 2018 10:29:26 PM  
**Last Modified:** Tuesday, January 30, 2018 10:31:55 PM  
**Time Spent:** 00:02:28  
**IP Address:** 172.113.232.115

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Page 1

**Q1** First Name (Optional)

sherry

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**Q2** Last Name (Optional)

yafai

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**Q3** Organization (Optional)

The ReLEAF Institute

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**Q4** Title (Optional)

MD

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

I am a little surprised that there is no committee for the medical division. The medical part of cannabis is what started this industry, and gets no recognition in regards to it's needs and demands. I would like to suggest that we create a new sub committee for the medical community. Ideally this would be made up of physicians And other clinicians who are working with patients who truly need medical cannabis

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#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Wednesday, January 31, 2018 8:12:25 AM  
**Time Spent:** 00:10:27  
**IP Address:** 23.120.88.24

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Page 1

**Q1** First Name (Optional)

Matt

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**Q2** Last Name (Optional)

Garland

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**Q3** Organization (Optional)

Central San Pedro Neighborhood Council

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**Q4** Title (Optional)

Board member

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

As a Los Angeles City Neighborhood Council representative, I am aware that concerns around public health and youth exposure are prominent in our communities.

Through many hours of conversations, emails, and public forums I have come to endorse a broad approach to marijuana licensing alongside a robust public education campaign.

Broadly available licensing will be a tool to diminish the market share available to illicit operators.

A robust, peer based education campaign on what is and is not legal. Also focusing on marijuana is and is not useful and harmful for. And including broad access to addiction recovery is a tool that our communities need in order for marijuana legalization to fulfill it's potential of safer and and more tolerant communities.

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#3

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, January 30, 2018 1:22:54 PM  
**Last Modified:** Wednesday, January 31, 2018 9:24:52 AM  
**Time Spent:** 20:01:57  
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Page 1

**Q1** First Name (Optional) Respondent skipped this question

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**Q2** Last Name (Optional) Respondent skipped this question

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**Q3** Organization (Optional) Respondent skipped this question

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**Q4** Title (Optional) Respondent skipped this question

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth Subcommittee**

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**Q6** Feedback for Subcommittee

I would like to see more from the public education campaign that the state started. I know funding runs out soon, so will it get part of the tax dollars? It just seems crazy that it might not continue.

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## #4

COMPLETE

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**Last Modified:** Wednesday, January 31, 2018 3:42:08 PM  
**Time Spent:** 00:01:53  
**IP Address:** 198.0.209.73

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Page 1

### Q1 First Name (Optional)

Bob

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### Q2 Last Name (Optional)

Saltz

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### Q3 Organization (Optional)

Prevention Research Center, Pacific Institute for Research & Evaluation

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### Q4 Title (Optional)

Senior Scientist

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

### Q6 Feedback for Subcommittee

In light of the new law in California requiring that alcohol servers be trained in responsible alcoholic beverage sale practices (AB-1221)<sup>1</sup>, we urge the Bureau of Cannabis Control to adopt a requirement that all individuals who handle marijuana products in medicinal and retail premises complete training in responsible marijuana vendor practices. It is wise to expect the same level of professionalism among owners, managers, and employees of the marijuana premises as in alcohol premises to ensure responsible sales of marijuana to keep California communities safe. Models already exist in other states for responsible marijuana vendor training and certification, with curriculum standards and state-approved training providers, that could be easily and quickly implemented in California. With funding from the National Institutes of Health, our research team is evaluating an online responsible marijuana vendor training program in Colorado, Washington State, and Oregon that teaches state regulations and key skills, such as ID checking and refusing service to intoxicated customers. The training has been acceptable to personnel who sell marijuana products and shows promise for improving responsible sales practices in these premises.

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#5

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Wednesday, January 31, 2018 3:44:51 PM  
**Time Spent:** 00:01:20  
**IP Address:** 198.0.209.73

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Page 1

**Q1 First Name (Optional)**

Bob

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**Q2 Last Name (Optional)**

Saltz

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**Q3 Organization (Optional)**

Prevention Research Center, Pacific Institute for Research & Evaluation

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**Q4 Title (Optional)**

Senior Scientist

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6 Feedback for Subcommittee**

In light of the new law in California requiring that alcohol servers be trained in responsible alcoholic beverage sale practices (AB-1221)<sup>1</sup>, we urge the Bureau of Cannabis Control to adopt a requirement that all individuals who handle marijuana products in medicinal and retail premises complete training in responsible marijuana vendor practices. It is wise to expect the same level of professionalism among owners, managers, and employees of the marijuana premises as in alcohol premises to ensure responsible sales of marijuana to keep California communities safe. Models already exist in other states for responsible marijuana vendor training and certification, with curriculum standards and state-approved training providers, that could be easily and quickly implemented in California. With funding from the National Institutes of Health, our research team is evaluating an online responsible marijuana vendor training program in Colorado, Washington State, and Oregon that teaches state regulations and key skills, such as ID checking and refusing service to intoxicated customers. The training has been acceptable to personnel who sell marijuana products and shows promise for improving responsible sales practices in these premises.

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#6

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Friday, February 02, 2018 9:24:44 AM  
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Page 1

**Q1** First Name (Optional)

Respondent skipped this question

**Q2** Last Name (Optional)

Respondent skipped this question

**Q3** Organization (Optional)

Respondent skipped this question

**Q4** Title (Optional)

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

when will we see more from lets talk cannabis

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#7

**COMPLETE**

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**Started:** Friday, February 02, 2018 5:25:50 PM  
**Last Modified:** Friday, February 02, 2018 5:30:09 PM  
**Time Spent:** 00:04:19  
**IP Address:** 50.250.197.190

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Page 1

**Q1** First Name (Optional)

Brian

**Q2** Last Name (Optional)

Kahn

**Q3** Organization (Optional)

Respondent skipped this question

**Q4** Title (Optional)

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

What is happening to all the cannabis waste that will be created by cultivators/manufacturers/dispensaries? Trash cans are being raided by young children to obtain the cannabis product. There should be a specific licensed cannabis trash company to address this issue! There should be further tracking and tracing to document all waste. There should be strict disposal procedures to handle the cannabis waste. Operators are not going to render the waste themselves. This needs to be done by a third party!

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#8

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, February 05, 2018 10:31:17 AM  
**Last Modified:** Monday, February 05, 2018 10:31:57 AM  
**Time Spent:** 00:00:39  
**IP Address:** 50.250.197.190

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Page 1

**Q1** First Name (Optional)

Nancy

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**Q2** Last Name (Optional)

Belli

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**Q3** Organization (Optional)

Cannabis Consultant

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**Q4** Title (Optional)

Owner

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**



### Q6 Feedback for Subcommittee

I understand that the California Department of Public Health handles all regulations as it pertains to cannabis manufacturing. Manufactured cannabis waste is a high profile waste that must be regulated separately from cultivation waste. This is because cannabis waste created by manufactures are highly desirable and can be harmful if someone obtains it in the wrong hands. The reality is that manufacturers will not manage the cannabis waste themselves by rendering it neutralized (unrecognizable and unusable) per the State regulations. This is because many manufacturers do not have the space or means to render the cannabis waste, and throwing it in the trash receptacles is non-compliant per State Regulations.

The State Regulations should be updated to require all manufactured cannabis waste be handled by a third party cannabis licensed waste management company to handle all waste (similar to a standard trash service). Additionally, this cannabis waste management company MUST have the appropriate cannabis licenses to conduct the business such as a cannabis distribution license and cannabis manufacturing license (processing license). The distribution license will allow the cannabis waste management company to pick up the untreated cannabis since it is still considered cannabis product, and the manufacturing (processing) license will allow the waste management company to render the cannabis product into neutralized cannabis waste. These licenses not only make the cannabis waste management company compliant, but also helps with the track and tracing of all stages of the cannabis product.

The State Regulations should also be updated to provide third party oversight verifying compliant cannabis waste disposal. In the event a manufacturer does NOT sign up with a cannabis licenses waste management company, then the manufacturer must hire a third party consultant to verify their waste is being properly rendered to show to the State. This will avoid any loopholes in which the cannabis product goes undetected.

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#9

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Monday, February 05, 2018 2:10:31 PM  
**Time Spent:** 00:00:16  
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Page 1

**Q1** First Name (Optional)

Brad

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**Q2** Last Name (Optional)

Schultz

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**Q3** Organization (Optional)

Coastal Dance and Music Academy

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**Q4** Title (Optional)

Emergency Cannabis Regulation - 5026 600 FT Radius Youth Centers

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6 Feedback for Subcommittee**

1. The City of Grover Beach, CA issued a land use permit on 1/22/18 to Natural Healing Center, LLC that is in violation of the Emergency Cannabis Regulation, section § 5026 (a) Premises Location, which states, “(a) A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.
  2. We are classified as a youth center under the following definition provided by the HEALTH AND SAFETY CODE - HSC DIVISION 10. “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.
  3. Natural Healing Center’s cannabis industry (growth, manufacture, and distribuion) will be within 150 feet of our youth center that holds dance classes and theater classes as well as rehearsals for our non-profit youth performances for preschool through age 18. We will be sharing the same parking lot!
  4. The Cityof Grover Beach’s ordinance related to this matter is silent on a set back or radius for youth centers and childcare facilities. It only stipulates a 600-foot radius from K - 12 schools, therefore the California State Emergency Regulation 5026 (a) is in effect and protects the children that participate in our dance and theater classes.
  4. Natural Healing Center’s next step is to apply for a state license which we will appose and hope that it will be denied based on the arguments listed above.
  5. We feel the Emergency Cannabis Regulation 5026 is rendered meaningless when local governments can alter the regulation. The spirit and intent is to protect the health and safety of our youth before, during after school the school day!
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#10

**COMPLETE**

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**Last Modified:** Monday, February 05, 2018 2:27:08 PM  
**Time Spent:** 00:02:08  
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Page 1

**Q1** First Name (Optional)

Respondent skipped this question

**Q2** Last Name (Optional)

Respondent skipped this question

**Q3** Organization (Optional)

Respondent skipped this question

**Q4** Title (Optional)

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

Is someone under 18 is arrested for 58,59 or 60, they are supposed to attend a class, ranging from 4-10 hours depending on how much you are arrested with or how many times you have been arrested. Has anyone established a course, curriculum or tracking program.

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#11

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 06, 2018 10:26:20 AM  
**Time Spent:** 00:14:38  
**IP Address:** 108.207.5.157

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Page 1

**Q1 First Name (Optional)**

Anne

**Q2 Last Name (Optional)**

Kelson

**Q3 Organization (Optional)**

Kelson Law Group

**Q4 Title (Optional)**

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6 Feedback for Subcommittee**

Prior to MAUCRSA and the Emergency Regulations, cannabis operators could donate medicine directly to patients and through various non-profit "compassion coalitions" throughout the state. These coalitions have been operating as far back as Dennis Peron's Buyers Club and were the inspiration and the core of the Compassionate Use Act. However, such programs have been overlooked in the new regulatory scheme and many operators are now having to have to pay 38% tax (state) or more (local taxes) on any donated medicine they provide to some of the state's sickest and most in need. Many operators cannot afford to pay what amounts to nearly a 40% tax on the market value of donated medicine. Already, some patients are unable to access medicine that had previously been available before these taxes were imposed. In the spirit and the memory of Dennis Peron, the state should exempt all sales tax on donated medicine in order to ensure that those most in need are able to access cannabis through well-established channels like the compassion coalitions. To that end, the state should work with cannabis operators and non-profits to carry forth the legacy of Dennis Peron, and to support compassionate use for the many people who rely on it for their health, well-being and survival.

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#12

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 06, 2018 11:11:34 AM  
**Time Spent:** 00:03:14  
**IP Address:** 157.131.133.78

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Page 1

**Q1** First Name (Optional)

Joanna

**Q2** Last Name (Optional)

Cedar

**Q3** Organization (Optional)

Respondent skipped this question

**Q4** Title (Optional)

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

The packaging requirements are absurd. Keep strict ones for edibles but relax them for other products. Cannabis in flower and vape form is non-toxic to children. Cleaning supplies, tide pods and alcohol have far less stringent requirements than cannabis. The packaging requirements are also wasteful and detrimental to the environment.

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#13

COMPLETE

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**Last Modified:** Tuesday, February 06, 2018 11:21:19 AM  
**Time Spent:** 00:05:32  
**IP Address:** 50.250.197.190

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Page 1

**Q1** First Name (Optional)

Brian

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**Q2** Last Name (Optional)

Kahn

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**Q3** Organization (Optional)

Cannabis Operator

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**Q4** Title (Optional)

Respondent skipped this question

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

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**Q6 Feedback for Subcommittee**

The regulations need to be updated to properly address who is able to properly manage all the cannabis waste that will be created. More specifically, the regulations need to ensure that if a cannabis operator is going to utilize a third party cannabis waste management company, the cannabis waste management company must obtain the proper cannabis licenses to transport and render the cannabis waste. Any random person or existing trash company CANNOT handle cannabis waste. This cannabis waste management company MUST have the appropriate cannabis licenses such as a cannabis distribution license and cannabis manufacturing license (processing license). Since the product that will be picked up is untreated cannabis product (un-rendered cannabis product), the movement of the cannabis requires a distribution license. The distribution license will allow the cannabis waste management company to pick up the untreated cannabis since it is still considered cannabis product, and the manufacturing (processing) license will allow the waste management company to render the cannabis product into neutralized cannabis waste. These licenses not only make the cannabis waste management company compliant, but also help with the track and tracing of all stages of the cannabis product through Metrc since all cannabis license holders need to use the track and trace system. The proposed changes will guarantee that all cannabis waste is being handled by cannabis-permitted companies that have extensive working knowledge in the industry. These changes will ensure that all cannabis waste streams are properly identified and documented through the State's Track and Trace System, and ensure all cannabis operators are working compliantly together.

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#14

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 06, 2018 11:31:29 AM  
**Time Spent:** 00:01:34  
**IP Address:** 67.180.151.30

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Page 1

**Q1 First Name (Optional)**

Sally Ann

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**Q2 Last Name (Optional)**

Berk

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**Q3 Organization (Optional)**

East Bay Cannabis Community

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**Q4 Title (Optional)**

Director of Public Relations and Outreach

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6 Feedback for Subcommittee**

Prior to MAUCRSA and the Emergency Regulations, cannabis operators could donate medicine directly to patients and through various non-profit "compassion coalitions" throughout the state. These coalitions have been operating as far back as Dennis Peron's Buyers Club and were the inspiration and the core of the Compassionate Use Act. However, such programs have been overlooked in the new regulatory scheme and many operators are now having to have to pay 38% tax (state) or more (local taxes) on any donated medicine they provide to some of the state's sickest and most in need. Many operators cannot afford to pay what amounts to nearly a 40% tax on the market value of donated medicine. Already, some patients are unable to access medicine that had previously been available before these taxes were imposed. In the spirit and the memory of Dennis Peron, the state should exempt all sales tax on donated medicine in order to ensure that those most in need are able to access cannabis through well-established channels like the compassion coalitions. To that end, the state should work with cannabis operators and non-profits to carry forth the legacy of Dennis Peron, and to support compassionate use for the many people who rely on it for their health, well-being and survival.

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#15

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 06, 2018 11:36:03 AM  
**Last Modified:** Tuesday, February 06, 2018 11:37:41 AM  
**Time Spent:** 00:01:37  
**IP Address:** 159.145.6.1

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Page 1

**Q1 First Name (Optional)**

Timmen

**Q2 Last Name (Optional)**

Cermak

**Q3 Organization (Optional)**

Respondent skipped this question

**Q4 Title (Optional)**

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6 Feedback for Subcommittee**

Input and Recommendations to Members of the  
CAC Public Health/Youth Subcommittee  
By  
Timmen L. Cermak, MD

First, I thank each of you for supporting establishment of CAC's Public Health/Youth Subcommittee. Together, we bring a great deal of expertise and experience to our important task. I look forward to working with all of you.

Second, there is no better rationale for our subcommittee than wording found in MAUCSRA, CHAPTER 27, SEC. 10 [P. 22], which adds the following to the Business and Professions Code [bold added]:

Section 26011.5: The protection of the public shall be the highest priority for all licensing authorities in exercising licensing, regulatory, and disciplinary functions under this division. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Third, I have attempted below to identify regulatory issues of major importance to protection of public health, especially the health of youth. I have organized my comments by first presenting the law, followed by relevant emergency regulations, problems I believe exist with the emergency regulations, and recommendations for correcting the problems. I have my thoughts as helpful despite their brevity.

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with the emergency regulations, and recommendations for remedying the problems. I hope my thoughts are helpful despite their being highly detailed at times.

Fourth, I look forward to combining my concerns with those brought to the subcommittee meeting by other members. Our subcommittee faces an extraordinary amount of work to prepare well crafted recommendations to obtain approval by the CAC as a whole on March 15. The more fully individual members organize input prior to the February 13 meeting, the more can be accomplished.

### REGULATORY ISSUES RELEVANT TO PUBLIC HEALTH AND YOUTH

#### ISSUE #1. UNLAWFUL TO LABEL/MARKET/ADVERTISE/PRODUCE PRODUCTS ATTRACTIVE TO INDIVIDUALS UNDER 21 YEARS OLD

##### MAUCRSA Section 86 [P. 65]

26152. A licensee shall not do any of the following:

- (e) Advertise or market cannabis or cannabis products in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products.
- (f) Publish or disseminate advertising or marketing that is attractive to children.

##### MAUCSRA Section 26150 [P. 64]

(e) "Market" or "Marketing" means any act or process of promoting or selling cannabis or cannabis products, including, but not limited to, sponsorship of sporting events, point-of-sale advertising, and development of products specifically designed to appeal to certain demographics.

##### MAUCSRA Section 26151 [P. 64]

- (b) Any advertising or marketing placed in broadcast, cable, radio, print, and digital communications shall only be displayed where at least 71.6 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data.
- (c) Any advertising or marketing involving direct, individualized communication or dialogue controlled by the licensee shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older

##### CDPH Temp Reg. [P. 85]

###### §40410. Labeling Restrictions.

The label shall not contain any of the following:

- (c) Content that is or designed to be attractive to individuals under the age of 21, including but not limited to:
  - (1) Cartoons;
  - (2) Any likeness to images, characters, or phrases that are popularly used to advertise to children;
  - (3) Any imitation of candy packaging or labeling; or
  - (4) The terms "candy" or "candies."

##### CDPH Temp Reg. [P. 93]

###### § 40525. Advertising and Marketing

(a) A licensee shall ensure that all advertising and marketing of its cannabis products meet the requirements of Chapter 15 (commencing with section 26150) of the Act. Any health-related statement shall also meet the requirements of section 40410 [Labeling].

### PROBLEMS

#### 1. Inadequate listing and description of activities prohibited if attractive to youth

Greater clarification needs to be made in the regulations re: those activities unlawful to be done in a manner that serves as an attractive nuisance for children or promotes use of cannabis by individuals under the age of 21 (i.e., advertising, marketing, promotion, products, labeling, etc. all need to be named and specifically restricted from attractiveness to youth in the same manner currently done for

## Cannabis Advisory Committee: Subcommittee Input Survey

labeling, etc. all need to be named and specifically restricted from attractiveness to youth in the same manner currently done for labeling)

2. Inadequate Enforcement Provisions for prohibited advertising, etc. attractive to youth

a. Who may challenge advertising, marketing, promotion, products, labeling, etc. as unlawfully attractive to youth?

b. With whom is any such challenge lodged?

c. Who shall adjudicate such challenges?

d. What standards or criteria shall be used to adjudicate such challenges?

3. Inadequate restrictions on cannabis advertising

### RECOMMENDATIONS:

PROBLEM #1 - Inadequate listing and description of activities prohibited if attractive to youth

REMEDY: Expand CDPH Temp Reg. [P. 85] "§40410. Labeling Restrictions.

- The label shall not contain any of the following: to include similar restrictions on advertising, marketing, promotion, products, etc.  
or

- Add sections similar to Section 40410 for restrictions on each of the following individually: advertising, marketing, promotion, products, etc.

and/or

- Expand CDPH Temp Reg. [P. 93] § 40525. Advertising and Marketing to include more detailed description of activities and of products that must "meet the requirements of Chapter 15 (commencing with section 26150) of the Act. Perhaps there should be a summary of the requirements referred to.

PROBLEM #2 – Inadequate Enforcement Provisions

The following texts from CDPH regulations and MAUCSRA bear on the issue of Enforcement Provisions and therefore should be incorporated into any remedy. The essence of the first text, I believe, is that the CDPH has the authority to appoint inspectors to investigate and enforce sanctions against violators of the prohibitions against activities that make cannabis attractive to youth.

CDPH Temp Reg. [P. 94] §40550. Inspections. (b) The Department and its inspectors or agents shall have free access at reasonable times to the manufacturing premises, storage areas, records, production processes, labeling and packaging processes, and conveyances used in the manufacture, storage or transportation of cannabis products so that it may determine compliance with the provisions of the Act and these regulations. Departmental inspections shall include all pertinent equipment, raw material, finished and unfinished materials, containers, packaging, and labeling that has a bearing on whether the cannabis product complies with the Act and these regulations.

(c) The Department may inspect any record or document that has a bearing on whether the labeling, advertising or marketing of a cannabis product complies with the requirements of Chapter 15 (commencing with section 26150) of the Act.

The following text from MAUCSRA (8) [P. 6] permits the CDPH to delegate enforcement authority to local jurisdictions:

This bill would expand these provisions to permit the following:

provide for the state delegation of the full power and authority to enforce MAUCRSA and regulations promulgated by the bureau and other licensing authorities under MAUCRSA to cities.

REMEDY: Regulations should be written to permit the following:

a. Any California citizen or organization based in California may formally challenge specific cannabis advertising, marketing, labeling, promotion or product as unlawfully attractive to youth by submitting a complain to the agency designated to investigate and adjudicate such complaints.

b. A Youth Protection unit shall be identified within the Attorney "General's office (or, alternatively, within the CDPH) for the purpose of receiving or initiating investigation and adjudication of violations of restrictions against advertising, marketing, labeling, promoting or producing/offering cannabis products that are attractive to youth.

c. The designated Youth Protection unit within the Attorney General's office (or, alternatively, within the CDPH) shall also have the authority to levy sanctions prescribed by MAUCSRA against violators of restrictions against advertising, marketing, labeling, promoting

## Cannabis Advisory Committee: Subcommittee Input Survey

authority to levy sanctions prescribed by MAUCSRA against violators of restrictions against advertising, marketing, labeling, promoting or producing/offering cannabis products that are attractive to youth.

d. A study group of experts shall be convened on a volunteer basis to produce a report within one year recommending standards and criteria for determining when cannabis advertising, marketing, labeling, promotion and products should be deemed attractive to youth.

a. The study group shall consist of, but not be limited to, experts in tobacco control, pediatrics, child and adolescent psychology, public health, marketing psychology, the cannabis industry and the Attorney General's office.

b. Until such report is available, the Youth Protection unit shall be guided by the Institute of Medicine (US) Committee on Preventing Nicotine Addiction in Children and Youths, Chapter 4: Tobacco Advertising and Promotion, including the following marketing themes and images that promote underage use:

1. Cannabis use is a rite of passage to adulthood.
2. Successful, popular people use cannabis.
3. Cannabis use is relaxing in social situations.
4. Cannabis use is the norm.
5. Cannabis use is without risk, safe and healthful.

e. Cannabis advertising, marketing and promotion shall be governed by the same restrictions as apply to tobacco.

### ISSUE #2. UNLAWFUL TO MAKE FALSE CLAIMS

MAUCSRA sets a remarkably high standard of honesty for the industry, which is highly beneficial for the protection of public health

Section 86 [P. 65] 26152. A licensee shall not do any of the following:

(a) Advertise or market in a manner that is false or untrue in any material particular, or that, irrespective of falsity, directly, or by ambiguity, omission, or inference, or by, the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

And,

MAUCSRA Section 26150 [P. 64]

(d) All advertising shall be truthful and appropriately substantiated.

Furthermore, this includes health claims

(d) "Health-related statement" means any statement related to health, and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of cannabis or cannabis products and health benefits, or effects on health.

The legal requirement for honesty is reflected in the following regulations:

CDPH Temp Reg. [P. 85]

§40410. Labeling Restrictions.

The label shall not contain any of the following:

(d) Any information that is false or misleading. (e) Any health-related statement that is untrue or misleading. Any health-related statement must be supported by the totality of publicly available scientific evidence (including evidence from well-designed studies conducted in a manner which is consistent with generally recognized scientific procedures and principles), and for which there is significant scientific agreement, among experts qualified by scientific training and experience to evaluate such claims.

The CDPH regulations contain the following potentially important exclusion of health benefit claims:

§40411. Statement of Potential Effects [P. 86]

a cannabis product may include information on the potential effects of the cannabis product if the manufacturer has substantiation that the information is truthful and not misleading...., "potential effect" includes any physiological effect common to or expected from the particular cannabis strain, but excludes any claim of health benefits.

### RELEVANT ENFORCEMENT PROVISIONS IN THE REGULATIONS

## Cannabis Advisory Committee: Subcommittee Input Survey

CDPH Temp Regs §40550. Inspections. [P. 94]

### Article 4. Inspections

(b) The Department and its inspectors or agents shall have free access at reasonable times to the manufacturing premises, storage areas, records, production processes, labeling and packaging processes, and conveyances used in the manufacture, storage or transportation of cannabis products so that it may determine compliance with the provisions of the Act and these regulations. Departmental inspections shall include all pertinent equipment, raw material, finished and unfinished materials, containers, packaging, and labeling that has a bearing on whether the cannabis product complies with the Act and these regulations.

(c) The Department may inspect any record or document that has a bearing on whether the labeling, advertising or marketing of a cannabis product complies with the requirements of Chapter 15 (commencing with section 26150) of the Act.

### PROBLEM

Inadequate Enforcement Provisions for prohibiting unlawful statements and claims of health benefits not substantiated by scientific evidence and significant scientific agreement among experts qualified by scientific training and experience to evaluate such claims

- a. Who may challenge industry statements and claims of health benefits?
- b. With whom is any such challenge lodged?
- c. Who shall adjudicate such challenges?
- d. What standards or criteria shall be used to adjudicate such challenges?

### RECOMMENDED REMEDIES:

A. Any California citizen or organization based in California may formally challenge the lawfulness of cannabis industry statements, based on a lack of verifiable fact, and claims made for health benefits from cannabis use, based on a lack of scientific evidence, by submitting a complain to the agency designated to investigate and adjudicate such complaints.

B. An oversight unit shall be identified within the Attorney General's office (or, alternatively, within the CDPH) for the purpose of receiving complaints and/or initiating investigation and adjudication of violations of truth in marketing by members of the cannabis industry.

C. The designated oversight unit within the Attorney General's office (or, alternatively, within the CDPH) shall also have the authority to levy sanctions prescribed by MAUCSRA for false statements about cannabis or misleading claims of health benefits from cannabis use.

D. A volunteer Review Panel of experts shall recommend standards and criteria for determining scientific evidence and advise the oversight unit on specific challenges to truth in statements and claims of health benefits made by members of the cannabis industry.

E. The Review Panel shall consist of, but not be limited to, experts in cannabis research, clinical medicine and research, pharmacology, statistics, law and cannabis industry representatives.

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I have exhausted my available time before having to submit this input to Public Health/Youth Subcommittee members. I hope to devote some time to expanding the following potential issues by our February 13 meeting:

1. Brown Cafes and DUI – When on site consumption becomes legal, will driving a car

## Cannabis Advisory Committee: Subcommittee Input Survey

out of the parking lot become prima facie evidence of a potential DUI (perhaps an issue more suited to the Enforcement subcommittee)?

2. Public Health Data and Annual Publication as required research – Should regulations require a portion of research funds be devoted to producing and publishing annual data on rate and frequency of underage cannabis use, rate and frequency of adult cannabis use, cannabis related emergency room visits, cannabis related treatment episodes, cannabis related calls to Poison Control Center, and cannabis related DUI and MVA rates?

3. Education and Counseling for underage use of cannabis – Do the regulations and MAUCSRA adequately implement the intention contained in AUMA to respond to underage use of cannabis in a therapeutic manner?

4. Penalties for using false IDs – Are their legal penalties for presentation of fake IDs? Should regulations require reporting incidents of presentation of fake IDs by underage individuals in order to refer those individuals for education and counseling?

5. Minors seeking MMJ – Should minors seeking medical marijuana be required to obtain recommendations from 2 MDs, one of whom is a board certified pediatrician (this may require legislative action)?

6. Protection of Youth Account funds – Should regulations require a full accounting of income and expenditures related to cannabis regulation by BCC, CDPH and CDFA every six month to assure that the Youth Account is being funded to the greatest degree possible?

Respectfully Submitted by,

Timmen L. Cermak, MD

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# #16

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 06, 2018 2:05:52 PM  
**Last Modified:** Tuesday, February 06, 2018 2:13:08 PM  
**Time Spent:** 00:07:15  
**IP Address:** 142.129.204.239

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Page 1

**Q1** First Name (Optional)

Nancy

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**Q2** Last Name (Optional)

Parra

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**Q3** Organization (Optional)

Respondent skipped this question

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**Q4** Title (Optional)

Owner

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

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**Q6** Feedback for Subcommittee

Most advertising that cannabuis is getting is negative. People should also be advice of the benefits Cannabuis brings. However, priorities always need to stay right and regulations enforced but they do need to be the same all around. Thank you

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#17

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Time Spent:** 00:01:17  
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Page 1

**Q1** First Name (Optional)

Megumi

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**Q2** Last Name (Optional)

Reagan

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**Q3** Organization (Optional)

Respondent skipped this question

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**Q4** Title (Optional)

Respondent skipped this question

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

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**Q6 Feedback for Subcommittee**

To Whom It May Concern:

I'm writing you to express concern over cannabis waste regulations. Cannabis waste comes in innumerable forms. I've found that the layman generally associates cannabis waste with leaves, stalks, stems, and other plant and soil byproducts. However, it's important to note that cannabis waste also includes post-extracted cannabis plants and flowers, failed lab tested materials, ancillary manufactured waste (for example, i.e., wax paper, gloves, beakers, etc.), retail display items, and returned/damaged retail items. These streams of waste come from all industry stakeholders: cultivators, manufacturers, retailers, distributors and testing labs. Handling the volume of waste produced by these stakeholders creates an ancillary industry that must be regulated.

The regulations need to be updated to reflect who is qualified to properly manage cannabis waste. The vast amounts of cannabis waste produced by the industry pose a serious risk to public health, specifically children and the disenfranchised, if not handled by properly licensed cannabis waste haulers as opposed to general waste management service providers. Third party cannabis waste management companies must obtain the proper licenses to transport and render cannabis waste. Frequently, cannabis byproduct and waste are indistinguishable from safe-to-consume materials and/or products. To mitigate these risks, limiting the exposure of the public to cannabis waste vis-a-vis safe and sustainable disposal of cannabis waste that has been tracked and traced and handled by licensed cannabis waste haulers is imperative. It will ensure that all ecosystems—the environment, the public and industry stakeholders can successfully co-exist.

Thank you.

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#18

COMPLETE

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**Last Modified:** Tuesday, February 06, 2018 6:03:10 PM  
**Time Spent:** 00:01:51  
**IP Address:** 66.191.37.123

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Page 1

**Q1** First Name (Optional)

Mikey

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**Q2** Last Name (Optional)

D

---

**Q3** Organization (Optional)

Jungle Boys

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**Q4** Title (Optional)

TLC

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

Stop the taxes.

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#19

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 06, 2018 8:35:38 PM  
**Last Modified:** Tuesday, February 06, 2018 8:39:35 PM  
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Page 1

**Q1** First Name (Optional)

Respondent skipped this question

**Q2** Last Name (Optional)

Respondent skipped this question

**Q3** Organization (Optional)

Respondent skipped this question

**Q4** Title (Optional)

Respondent skipped this question

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

Hello I am hoping that samples will be allowed again within the industry. Ultimately revenue will be increased by allowing samples and new companies will be supported as it is very hard for buyers to buy new things without trying or even seeing the items. Hoping something will be worked out soon.

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#20

**COMPLETE**

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**Last Modified:** Tuesday, February 06, 2018 8:46:38 PM  
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Page 1

**Q1** First Name (Optional) Respondent skipped this question

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**Q2** Last Name (Optional) Respondent skipped this question

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**Q3** Organization (Optional) Respondent skipped this question

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**Q4** Title (Optional) Respondent skipped this question

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth Subcommittee**

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**Q6** Feedback for Subcommittee

Hello, it should be possible for companies to donate their product to non profits medicine is so expensive now not everyone can grow and companies will have old product they cannot give away. It would be such a waste and a shame

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#21

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 06, 2018 9:05:55 PM  
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Page 1

**Q1** First Name (Optional)

Holly

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**Q2** Last Name (Optional)

Carter

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**Q3** Organization (Optional)

Redwood Roots

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**Q4** Title (Optional)

CCO

---

**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

## Cannabis Advisory Committee: Subcommittee Input Survey

### Q6 Feedback for Subcommittee

Public health is at the center of the production of medicinal cannabis, and the basis for the availability of cannabis to a wider population. We know it is assisting with many ailments, is safer than alcohol.

The excessive use of plastic based packaging is harmful to public health.  
There is a ban on plastic bags in effect, yet we are requiring exit bags?

Tamper evident packaging on flower products, which in the history of dispensaries operating have not shown a negative effect on youth.

California climate goals

The use of high intensity lighting, disposable soil, and the prevalence of waste accumulated by industrial agriculture

The ability to put cannabis waste into landfills is not in line with waste diversion mandate to reduce waste stream of organics by 50% by 2021 (from 2014)

One would think that the decades of 215 dispensaries being present has shown that kids aren't getting damaged by their parents (or themselves) accessing medical cannabis. With the prevalence of more usage make it work festival to children? Does it actually increase the risk factor?

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#22

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 06, 2018 10:33:45 PM  
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**IP Address:** 73.93.81.251

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Page 1

**Q1** First Name (Optional)

Valerie Leveroni

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**Q2** Last Name (Optional)

Corral

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**Q3** Organization (Optional)

WAMM - Wo/Men's Alliance for Medical Marijuana

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**Q4** Title (Optional)

Director, Co-Founder

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**



**Q6 Feedback for Subcommittee**

State Legislative Subcommittees

Public Health Subcommittee

Retailer Subcommittee

Equity Subcommittee

Since our inception in 1993 WAMM, the Wo/Men's Alliance for Medical Marijuana in Santa Cruz California, has openly assisted thousands of patients, providing in-home care, support services, end of life assistance, and cannabis therapies on a donation basis. WAMM is the longest running medical marijuana organization in the US and functions solely to reduce human suffering through the healing process including up to the moment of death.

For 25 years we have worked closely with the City and County of Santa Cruz to provide our unique brand of service. We have been at the vanguard of the medical marijuana movement, achieving national and international recognition through our model of Compassionate Access. WAMM provides unparalleled service that has inspired a generation and served thousands of seriously ill people.

Continuing to build on the foresight that sustained a generation and led to the recognition of civil liberty for patients and eventually legalization of cannabis, brings with it the opportunity for our state to capitalize on increased tax revenues.

**Compassionate Access**

As we observe a burgeoning cannabis industry flourish, each day increasing numbers of patients are less able to access cannabis to meet their needs. 643,000 American are driven to bankruptcy due to medical bills each year, with Californians making up over 17% of those claims. Today our efforts to maintain philanthropy and public service are even greater than ever before, because seriously ill and dying people are not being served by those profiting from the cannabis trade. While governments cannot "legislate compassion," surely efforts to sustain the momentum that has distinguished WAMM and the cannabis compassion movement fuels the potential for legislative action that promotes replicable compassion models.

I don't know the answer; perhaps a type of tax credit, a small business benefit, an enticement program, reallocation of tax funds, or another avenue that equates the relief of human suffering with that of financial gain. Whatever legal framework that you choose to complement our renowned compassion model, will carry your signature. This is a message that we can carry to the world, reminding that when such a responsibility is shared the impact is exponential.

Even if a lack of personal experience lay at the core of our state's legislative failure to include a mechanism for compassionate access, each of us - citizens, our communities, the state as a whole, and every corporate structure - have a social responsibility. To ignore this has profound human consequences.

This is your job. Please allow us to help you, to help relieve suffering.

Sincere regards,

Valerie Corral

#23

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 06, 2018 10:45:04 PM  
**Time Spent:** 00:23:43  
**IP Address:** 73.162.42.224

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Page 1

**Q1** First Name (Optional)

Ryan

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**Q2** Last Name (Optional)

Miller

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**Q3** Organization (Optional)

Operation EVAC

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**Q4** Title (Optional)

Co-founder

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

## Cannabis Advisory Committee: Subcommittee Input Survey

### Q6 Feedback for Subcommittee

Thank you for soliciting feedback from the community toward improving this important process of regulation implementation.

Operation EVAC facilitates (16) peer-led social support groups for military veterans at (6) cannabis dispensaries in (5) Northern California cities monthly since Memorial Day, 2016.

Our mission is to promote the growth and healing of veterans through mutual assistance, personal development, and community service.

We prevent suicide and opiate overdose through curating community and practicing mindfulness, with the aid of compassionate cannabis and education.

The affordability of cannabis is a primary concern for veterans.

Opiates and anti-depressants are free at the VA. In contrast, cannabis is often prohibitively expensive and alcohol - a cheaper substitute.

Our ask is that you consider expediting the nonprofit feasibility study (postponed from January 2018 to January 2020 in the Trailer Bill) and create pathways to compliance for organizations with nonprofit missions.

We ask that you consider encouraging compassionate cannabis with tax credits instead of discouraging it with tax liabilities of "full-market value" on philanthropically exchanged products.

We ask that you operate with a sense of urgency. The veteran suicide and opiate overdose rates vastly exceed the civilian community. How many California troopers will we lose due to lack of access? Does The State want the narrative of Prop. 64's implementation to include the emergence of a philanthropic black market?

Thank you for your leadership toward refining our emerging industry and I'm confident that with your support we will shape an incredible cannabis market that prioritizes vulnerable communities, including military veterans.

In gratitude,  
Ryan Miller

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#24

COMPLETE

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Page 1

**Q1** First Name (Optional)

Genine

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**Q2** Last Name (Optional)

Coleman

---

**Q3** Organization (Optional)

Mendocino Appellations Project

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**Q4** Title (Optional)

Executive Director

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**Q5** Please choose the one subcommittee to which you would like your feedback to be sent. Note: You may submit feedback to as many subcommittees as you wish. Simply click on the link again to submit additional comments.

**Public Health and Youth  
Subcommittee**

**Q6** Feedback for Subcommittee

Regulatory frameworks securing affordable access to laboratory testing for personal and medical non-commercially produced cannabis are urgently needed.